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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

Amendment of Part 90 of the
Commission's Rules Pertaining
to End User and Mobile Licensing
Information.

PR Docket No. 92-78

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To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF MANUFACTURERS RADIO
FREQUENCY ADVISORY COMMITTEE, INC.

Manufacturers Radio Frequency Advisory, Inc. ("MRFAC"),
by its counsel, hereby submits its comments on the Notice of
Proposed Rulemaking in the above-captioned proceeding (FCC 92-171,
released May 5, 1992).

In the subject Notice, the Commission proposes, among
other things, to eliminate the requirement that end user lists be
furnished to the agency and coordinators; require license
modifications for non-paging only channels when the number of
mobiles changes by 20 percent from that authorized; and dispense
with coordination of license modifications for changes in mobile
loading. These comments are limited primarily to the proposed
changes in coordination/licensing requirements.

INTRODUCTION

As the Commission's records reflect, MRFAC is the
Commission-certified entity for coordination of frequencies in the
Manufacturers Radio Service, and a representative trade association

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of the nation's manufacturers. MRFAC's membership comprises a cross-section of the nation's manufacturing industry. Member firms range from large national and multi-national corporations to much smaller companies. These firms are found in all parts of the country, in both urban and rural areas, and while some member firms manufacture primarily one product, others have diversified operations.

MRFAC has a particular interest in this proceeding. MRFAC successfully sought reconsideration of the Report and Order in PR Docket No. 83-737 regarding coordination requirements for changes in loading levels. See Memorandum Opinion and Order in PR Docket No. 83-737, 61 RR 2d 148 (1986). MRFAC's basic concern then and now was that coordinators have the data necessary to perform the mission entrusted to them.

In support of the proposal to eliminate the requirement that licenses be modified whenever there is a change in the number of mobiles, the Notice suggests that the current Rule is unduly burdensome inasmuch as the Commission has no regulatory need to be informed every time a system increases or decreases by one or two mobiles. Para. 26. The Notice goes on to ask whether 20 percent is the appropriate trigger for a modification application or whether some other figure would be more appropriate. In the alternative, the Notice asks whether changes in the number of mobiles need be authorized only at renewal time, i.e. at five year intervals.

MRFAC supports the notion of relaxing the Rule relative to changes in the number of mobiles; the present Rule, which

requires a modification application whenever the number of mobiles changes, even by one, is unnecessarily restrictive. Licensees should be relieved of the burden of submitting such filings, and the Commission and coordinators of the burden of reviewing them.

Having said that, however, MRFAC urges the agency not to adopt the benchmark as proposed. A 20 percent standard, without more, could do more harm than good. For example, a change of 20 percent in a system with hundreds of mobiles could seriously impact other co-channel users. New systems could be planned and built based upon grossly erroneous assumptions that a particular frequency is well-suited when, in fact, the frequency is already heavily loaded. This could end up costing manufacturers far more in delay and lost productivity than would ever be saved by not having to file license modification applications quite as often.

In order to avoid this, MRFAC suggests that the Commission combine the 20 percent standard with another measure, i.e. license modification being required whenever the number of mobiles changes up or down by 20 percent or, say, 100 units, whichever is less. In this fashion the Commission can provide a needed degree of relief without at the same time jeopardizing capital investment programs and manufacturing productivity.

For much the same reasons, MRFAC opposes the proposal to dispense with coordination. Manufacturers investing millions and sometimes hundreds of millions of dollars in radio-based facilities need the security of knowing that other users whose proposed loading is such as to preclude efficient sharing will not be

coordinated on top of them. Yet, if coordination is not required, that could easily happen.

The Notice suggests that loading levels are seldom used in the coordination process (para. 28). Not so: Loading levels are always considered. Just recently, for example, MRFAC had occasion to recommend a different frequency when -- due to the proposed loading level -- it was clear that the desired frequency would have been a poor choice for the two major corporations involved.

The Notice also suggests that coordinators will still receive copies of modified licenses from the Commission (paras. 15 and 27). But receiving a copy of a license after the fact is of no help; the point is to head off interference problems before they arise -- before users, be they new or existing, have invested in radio equipment designed to operate on a particular channel.

That many changes in mobile counts are effected pursuant to Rule 90.159(a)'s temporary licensing provisions does not change the result. Temporary licensing still requires coordination; thus the availability of this procedure is irrelevant -- except to show that coordination and licensing of modifications to reflect significant changes in mobile counts need not unduly delay inauguration of service.^{1/}

^{1/} It is anomalous that the agency should propose continued coordination of 470-512 and 800 MHz systems on the grounds that exclusivity is earned based on mobile counts (para. 30). Coordination ensures that one user's proposed operation does not disrupt the operations of other users and vice versa. Coordination is far more important in such cases than when the question is simply whether one user has or has not qualified for a benefit confined to itself.

Beyond this manufacturers are concerned about what seems to be an increasing tendency on the Commission's part to dispense with coordination. Radio facilities are coming to play an increasingly important role as manufacturers attempt to respond to the threat of global competition. In many manufacturing plants and industries this means heavy capital investment programs in new radio equipment for voice and data applications, both full power and low power. Elimination of mobile modifications and coordinations as suggested in the Notice, allowance of secondary fixed operations without coordination in the heart of metropolitan areas,^{2/} and the notion of possibly consolidating Radio Services into catch-all pools with numerous disparate users^{3/} -- these actions suggest a pattern which raises troubling questions for manufacturers looking to make capital investments in new radio equipment. MRFAC trusts that these concerns are misplaced and the agency will take no steps in this proceeding which could have the effect of increasing interference levels by undercutting the frequency coordination program: For manufacturers careful frequency coordination is becoming more important, not less.

^{2/} Report and Order in PR Docket No. 91-66, FCC 92-233, released June 5, 1992.

^{3/} Notice of Inquiry in PR Docket No. 91-170, released July 2, 1991.

CONCLUSION

For the foregoing reasons MRFAC supports the proposed relaxation in the requirement for the filing of license modification applications, but urges continued coordination of such applications as redefined herein.

Respectfully submitted,

MANUFACTURERS RADIO FREQUENCY
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